

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

OUR ALCHEMY, LLC, *et al.*,

Debtors.<sup>1</sup>

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GEORGE L. MILLER, in his capacity as  
Chapter 7 Trustee for the jointly administered  
bankruptcy estates of Our Alchemy, LLC and  
Anderson Digital, LLC,

*Appellant,*  
v.

ANDERSON MEDIA CORPORATION, *et al.*,

*Appellees.*

Bankruptcy Appeal

Case No. 1:24-cv-00243-CFC

Bankr. Case No. 16-11596 (MFW)  
Bankr. D. Del. Adv. No. 21-51420 (MFW)  
USBK/DE BAP No. 24-00007

**APPELLANT’S DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON  
APPEAL AND STATEMENT OF THE ISSUES TO BE PRESENTED**

George L. Miller, Chapter 7 Trustee (the “Trustee”) for the bankruptcy estates of Our Alchemy, LLC and Anderson Digital, LLC, Appellant in the above-captioned bankruptcy appeal and Plaintiff in the underlying adversary proceeding, by his undersigned counsel, pursuant to Federal Rule of Appellate Procedure 6(b)(2)(B), hereby designates the following items to be included in the record on appeal and states the following issues to be presented:

**Designation of Items to be Included in the Record on Appeal**

Docket Entries/Documents from Bankr. D. Del. Adv. Pro. No. 21-51420 (MFW)			
Item	Date Filed/ Entered	Adv. Dkt. No.	Document Description
1.	12/29/2021	1	Complaint
2.	07/20/2022	28	Answer to Complaint

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<sup>1</sup> The Debtors are: Our Alchemy, LLC, Case No. 16-11596 and Anderson Digital, LLC, Case No. 16-11597.

<b>Docket Entries/Documents from Bankr. D. Del. Adv. Pro. No. 21-51420 (MFW)</b>			
<b>Item</b>	<b>Date Filed/ Entered</b>	<b>Adv. Dkt. No.</b>	<b>Document Description</b>
3.	06/20/2023	40	Defendants' Motion for Summary Judgment
4.	06/20/2023	41	Memorandum of Law in Support of Defendants' Motion for Summary Judgment
5.	06/21/2023	43-1	Deposition Transcript of Bill Homony
6.	06/21/2023	44-1	Deposition Transcript of Jay R. Maier
7.	06/21/2023	45-1	Deposition Transcript of George L. Miller
8.	07/31/2023	48	Plaintiff's Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment
9.	07/31/2023	48-1	Declaration of Steven M. Coren in Support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment
10.	07/31/2023	48-2	Excerpted pages from 3/11/16 Anderson Media Corporation Minutes of the Meeting of the Board of Directors
11.	07/31/2023	48-3	Anderson executive Bill Lardie notes dated May 2014
12.	07/31/2023	48-4	Anderson executive Bill Lardie notes dated 12/22/2014
13.	07/31/2023	48-5	7/28/15 email from ANConnect CFO/COO Chuck Taylor to Anderson executives Jay Maier and Bill Lardie
14.	07/31/2023	48-6	May 7, 2015 Asset Purchase Agreement
15.	07/31/2023	48-7	January 8, 2016 email from Alchemy employee Ryan Meyering to Alchemy employees Rex Bowring and George De La Cruz, listing "Actual Cash Payments" to ANConnect in connection with the APA totaling \$29.9 million
16.	07/31/2023	48-8	May 28, 2014 email from ANConnect CFO/COO Chuck Taylor to, inter alia, Anderson Finance VP Dan Hetrick
17.	07/31/2023	48-9	February 17, 2016 Complaint filed by ANConnect and Anderson Merchandisers in the Superior Court of Delaware (exhibits thereto omitted)
18.	07/31/2023	48-10	July 9, 2015 Transition Services Agreement between ANConnect and Alchemy
19.	07/31/2023	48-11	Alchemy's Answer with Affirmative Defenses and Counterclaims filed on April 11, 2016 in the Superior Court of Delaware
20.	07/31/2023	48-12	ANConnect's Answer and Affirmative Defenses to Alchemy's Counterclaims filed on May 11, 2016 in the Superior Court of Delaware
21.	07/31/2023	48-13	Transcript of September 29, 2022 Deposition of Jay Maier as Rule 30(b)(6) designee of ANConnect and Anderson Merchandisers
22.	07/31/2023	48-14	August 5, 2016 email from ANConnect CFO/COO Chuck Taylor to, inter alia, Anderson executive Bill Lardie with attachment thereto
23.	07/31/2023	48-15	August 5, 2016 email from ANConnect CFO/COO Chuck Taylor to Anderson Director of Internal Audit Boris Popov with attachment thereto

<b>Docket Entries/Documents from Bankr. D. Del. Adv. Pro. No. 21-51420 (MFW)</b>			
<b>Item</b>	<b>Date Filed/ Entered</b>	<b>Adv. Dkt. No.</b>	<b>Document Description</b>
24.	07/31/2023	48-16	ANConnect consolidated income statement as of September 30, 2016
25.	07/31/2023	48-17	September 28, 2016 email from Anderson Director of Internal Audit Boris Popov to Anderson Media CFO Jay Maier
26.	07/31/2023	48-18	December 13, 2016 email from ANConnect CFO/COO Chuck Taylor to, inter alia, Anderson Media CFO Jay Maier
27.	07/31/2023	48-19	Excerpt from ANConnect Independent Auditor's Report as of October 3, 2014
28.	07/31/2023	48-20	Excerpt from January 30, 2015 ANConnect compliance certificate
29.	07/31/2023	48-21	Excerpt from May 29, 2015 ANConnect compliance certificate
30.	07/31/2023	48-22	December 8, 2016 email from ANConnect CFO/COO Chuck Taylor to, inter alia, Anderson Media CFO Jay Maier
31.	07/31/2023	48-23, 48-24	Transcript of April 20, 2023 deposition of George Miller
32.	07/31/2023	48-25, 48-26	Transcript of April 20, 2023 deposition of William Homony
33.	07/31/2023	48-27	March 25, 2021 letter from Anderson attorney David Wender
34.	07/31/2023	48-28	Defendants' March 9, 2023 Responses and Objections to the Trustee's Omnibus First Set of Interrogatories and Second Set of Requests for Production of Documents
35.	07/31/2023	48-29	June 22, 2016 email from Anderson Media CFO Jay Maier to ANConnect and Anderson Merchandisers personnel
36.	07/31/2023	48-30	Anderson Management Services, Inc.'s Answer to Complaint in <i>American Media, Inc., et al. v. Anderson Management Services, Inc., et al.</i> , Bankr. D. Del. Adv. No. 11-53811
37.	08/31/2023	49	Defendants' Reply to Plaintiff's Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment
38.	02/13/2024	57	Memorandum Opinion and Order regarding Defendants' Motion for Summary Judgment
39.	02/22/2024	58	Notice of Appeal
40.	02/22/2024	60	Transmittal of Record to District Court
41.	03/13/2024	63	Transcript regarding hearing held on 01/16/2024

<b>Docket Entries/Documents from Bankr. D. Del. Adv. Pro. No. 18-50633 (MFW)</b>			
<b>Item</b>	<b>Date Filed/ Entered</b>	<b>Adv. Doc. No.</b>	<b>Description</b>
42.	06/29/2018	1	Complaint
43.	09/16/2019	84	Memorandum Opinion, denying in part and granting in part ANConnect's motion to dismiss
44.	09/25/2020	151	Plaintiff's Memorandum in Support of His Request to Allow Discovery Pursuant to Federal Rule of Civil Procedure 56(d)
45.	09/25/2020	151-1	Declaration of Steven M. Coren in Support of Plaintiff's Request to Allow Discovery Pursuant to Federal Rule of Civil Procedure 56(d)
46.	09/25/2020	151-14	January 16, 2020 email from Andrew Belli to Defendants' Counsel
47.	09/25/2020	151-15	Anderson Defendants' Initial Disclosures
48.	09/25/2020	151-18	February 25, 2020 email from David Wender to Trustee's Counsel
49.	09/25/2020	151-19	February 28, 2020 email from Andrew Belli to Defendants' Counsel
50.	09/25/2020	151-20	April 3, 2020 email from Andrew Belli to Defendants' Counsel
51.	09/25/2020	151-21	April 7, 2020 email from David Wender to Trustee's Counsel
52.	09/25/2020	151-22	April 29, 2020 email from David Wender to Trustee's Counsel
53.	05/12/2022	241	Opinion and Order, denying ANConnect's premature summary judgment motion
54.	02/15/2024	333	Transcript regarding Hearing Held 01/16/24 RE: Combined Oral Argument

<b>Docket Entries/Documents from D. Del. No. 1:24-cv-00243 (CFC)</b>			
<b>Item</b>	<b>Date Filed/ Entered</b>	<b>Doc. No.</b>	<b>Description</b>
55.	03/31/2025	22	Opinion
56.	03/31/2025	23	Order
57.	04/07/2025	24	Notice of Appeal

**Statement of Issues to be Presented on Appeal**

- Whether the lower courts erred in ruling that Plaintiff's claims were untimely under 6 Del. Code § 1309(1) and/or Tex. Bus. & Com. Code § 24.010(a)(1)?

2. Whether the lower courts erred in applying the discovery rule by usurping the role of the factfinder to hold that the Trustee did not act with reasonable diligence in investigating his claims?

3. Whether the lower courts erred by holding that misstatements made during a settlement meeting put the Trustee on affirmative notice of potential claims?

Dated: April 21, 2025

Respectfully submitted,

/s/ John T. Carroll, III  
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